

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, October 15, 2008 • 9:00 a.m. • Room C415 State Capitol

Members Present:

Sen. Jon Greiner, Senate Chair
Rep. DeMar "Bud" Bowman, House Chair
Sen. D. Chris Buttars
Sen. William "Bill" Hickman
Sen. Scott D. McCoy
Rep. Brad L. Dee
Rep. David Litvack
Rep. Rebecca D. Lockhart
Rep. Curtis Oda
Rep. Jennifer M. Seelig
Rep. Kenneth W. Sumsion
Rep. Larry B. Wiley
Rep. Carl Wimmer

Members Absent:

Rep. Michael T. Morley
Rep. Stephen H. Urquhart

Staff Present:

Mr. Stewart E. Smith, Policy Analyst/Special Projects Mgr.
Ms. Susan Creager Allred, Associate General Counsel
Ms. Wendy Bangerter, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Greiner called the meeting to order at 9:10 a.m.

MOTION: Sen. Hickman moved to approve the minutes of the September 17, 2008 meeting. The motion passed unanimously. Sen. McCoy, Rep. Dee, Rep. Litvack, and Rep. Lockhart were absent for the vote.

Rep. Urquhart was excused from the meeting.

2. Status of Housing Prison Inmates in County Jails

Mr. Cliff C. Butter, Director of Planning and Research, Utah Department of Corrections (UDC), distributed and reviewed "Jail Programs Report," which explained the contract costs and reimbursement rates for housing state offenders in county jails. He reviewed the budget request and their calculation for future budget increases.

3. Amount and Use of Concealed Weapons Fees

Lt. Douglas S. Anderson, Manager, Bureau of Criminal Identification (BCI), joined by Ms. Alice Erickson, Chief, BCI distributed and reviewed information on the amount and use of concealed weapons fees collected under Utah Code Section 53-5-707. He reviewed anticipated future costs. He also reviewed changes that have taken place in the program in recent years.

4. Prohibited Gang Activity

Chair Bowman assumed chairing the meeting.

Sen. Greiner explained 2009 General Session draft legislation, "Prohibited Gang Activity," previously distributed to the Committee. The bill would create the offense of loitering in a prohibited public place after a

law enforcement officer has asked members of a group to disperse and has warned them of the penalty for failure to comply. He explained that prohibited areas must be designated by a chief of police or sheriff with community input. He asked that this item be put on a future agenda so the bill can be improved before presenting it for committee approval.

5. Criminal Offense Penalties

Sen. Greiner explained 2009 General Session draft legislation, "Criminal Offense Penalties Amendment," previously distributed to the Committee. The bill would provide that if a defendant commits a crime to benefit the defendant's relationship with a gang or for the benefit of, at the direction of, or in association with a criminal street gang, the crime is subject to the same enhanced penalty as when a person commits a crime with two or more other persons.

Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors, responded to questions from the committee members.

MOTION: Sen. Greiner moved to approve 2009 General Session draft legislation, "Criminal Offense Penalties Amendment," as a committee bill. The motion passed unanimously. Sen. McCoy, Rep. Dee, and Rep. Lockhart were absent for the vote.

6. Violent Offenses Amendments

Rep. Seelig explained 2009 General Session draft legislation, "Violent Offenses Amendments," previously distributed to the Committee. The bill would modify provisions of the Criminal Code, including a felony committed with other persons, aggravated murder, predicate criminal gang offenses, and the offense of felony discharge of a firearm.

Mr. Boyden explained specific parts of the bill, including the penalty enhancements.

MOTION: Rep. Wiley moved to approve 2009 General Session draft legislation, "Violent Offenses Amendments," as a committee bill. The motion passed unanimously. Sen. McCoy, Rep. Dee, and Rep. Lockhart were absent for the vote.

7. Criminal Offense Elements and Penalties

Rep. Carl Wimmer explained 2009 General Session draft legislation, "Criminal Offense Elements and Penalties," previously distributed to the Committee. The bill would modify the elements of the offenses of aggravated assault, failure to stop at the command of a peace officer, and penalties regarding the felony discharge of a firearm. He explained the enhanced penalties addressed in the bill.

Mr. Boyden explained situations where these offense elements and penalties need to be addressed in the law. He responded to questions from committee members.

MOTION: Sen. Buttars moved to approve 2009 General Session draft legislation, "Criminal Offense Elements and Penalties," as a committee bill. The motion passed unanimously. Sen. McCoy, Rep. Dee, and Rep. Lockhart were absent for the vote.

8. Prohibited Activities After Conviction for a Gang Related Offense

Sen. Greiner explained there is legislation still being drafted that would provide that after conviction of a gang-related offense, a person will be prohibited from engaging in certain activities.

Mr. Boyden explained that if someone is convicted with a gang-enhancement penalty, they are prohibited from engaging in certain activities for a time. He noted that legal aspects of the bill are still being worked on.

9. Other Items / Adjourn

Sen. Hickman expressed concern for the need to control our country's borders and the illegal immigration issue in the state and in the country.

Mr. Boyden addressed the penalties of crimes committed by illegal immigrants.

MOTION: Sen. Buttars moved to adjourn the meeting. The motion passed unanimously.
Sen. McCoy, Rep. Dee, and Rep. Lockhart were absent for the vote.

Chair Greiner adjourned the meeting at 10:47 a.m.